



State of Utah

Department of Natural Resources

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Executive Director

Division of Oil, Gas & Mining

MARY ANN WRIGHT
Acting Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

March 25, 2005

CERTIFIED RETURN RECEIPT
7099 3400 0016 8896 1355

Mr. Craig Worthington
Worthington Landscape
6536 South 1300 West
Taylorsville, Utah 84123

Subject: In the Matter of Stop Work Conference, Findings, Conclusions and Order for the Worthington Landscaping Unpermitted Site, Cessation Order MC-2005-03-04-01, M/035/025, Salt Lake County, Utah

Dear Mr. Worthington:

On March 21, 2005, the Division of Oil, Gas and Mining (Division) held a Stop Work Conference at the Worthington Landscape un-permitted site, M035/023 in Salt Lake County, Utah. The following individuals attended: Presiding: Mark Mesch, Acting Associate Director, Mining; Steve Alder, Attorney Generals Office; Daron Haddock, Permit Supervisor, Doug Jensen, and Paul Baker, Senior Reclamation Specialists with DOGM; and Operator Craig Worthington.

The Findings & Conclusions and Order in this matter are based on information provided by the Division and Mr. Worthington in connection with this Stop Work Conference, and on information in the files of the Division.

FINDINGS & CONCLUSIONS

1. Cessation Order MC-2005-03-04-01 was issued 3/15/05 for 'Mining without a permit' and required all mining to cease.
2. In a phone call received March 15, 2005, Mr. Worthington requested an on-site "inspection" (Stop work conference).
3. A Stop Work Conference was scheduled and held March 21, 2005 at 2:30 p.m., in accord with R647-6-102.4.
4. Mr. Worthington stated that Mr. Gary McDougal was the property owner.
5. Mr. Worthington provided a copy of the Bluffdale City Council and Redevelopment Agency meeting minutes that discussed a proposed housing development consisting of 158 lots on 70 acres of land.

Mark Miller
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Findings and Conclusions
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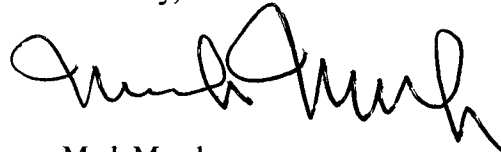
6. Mr. Worthington stated he had been on-site only two weeks, was not responsible for the disturbance and was merely trying to clean things up.
7. Mr. Worthington stated he had used some rock for personal landscaping jobs.
8. Based on the conditions observed on-site, it was concluded that mining had in fact occurred without the necessary permit, but it remains unclear exactly who conducted the mining and when. It is concluded that the mining had occurred prior to Mr. Worthington being on site. Mr. Worthington's involvement at this site is confined to clean-up of the disturbance that has already occurred.
9. It is concluded by the Conference Officer that the Cessation Order is vacated.

ORDER

1. Cessation Order MC-2005-03-04 (01), issued 3/15/2005, is hereby vacated.
2. No materials may be removed from the site unless a small mine permit (SMO) permit has been approved and a bond is in place.
3. Mr. Worthington may continue to clean up the site; however, any rock materials encountered must remain on the property.
4. If the operator fails to comply with the permitting requirements, he will be ordered to begin complete reclamation of the entire disturbance.

If you wish to appeal this Order, you may do so by contacting the Division within 30 days of receipt. Please contact Penny Berry at 801-538-5257 or Daron Haddock at 538-5325.

Sincerely,



Mark Mesch
Acting Associate Director

MM:jb

cc: Daron Haddock, DOGM
Paul Baker, DOGM

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